

**Remarks**

The following remarks are responsive to the July 7, 2004 Office Action.

In the Office Action, the Examiner objected to the drawings because they did not include a reference to “an intermediate mounting surface 62.” New Figure 7 attached hereto shows the intermediate mounting surface 62 as described in paragraph 0029. Paragraph 0029 has been amended, and new paragraph 0022.1 added so as to reference Figure 7. No new matter is added.

Claims 1-3 and 14-16 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,575,700 (Cohen). In making the rejection, the Examiner stated that Cohen teaches a landing gear assembly comprised of a mounting block and a pair of landing gear struts attached to the mounting block. Furthermore, Cohen also teaches that the mounting block includes an individual attachment point for each landing gear strut comprising the pair of landing gear struts. Finally, the Examiner states that Cohen teaches that the mounting block has a planar surface with a second side of the surface defining: (a) a channel with respect to the first and second edge of the mounting block; and (b) a pair of slits, at least one of which surrounds a portion of an individual attachment point.

Claims 12 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in that it would have been obvious to manufacture the mounting block out of nylon material. Claim 13 was also rejected under 35 U.S.C. § 103(a) in that radio-controlled model aircraft are known in the art.

Claims 4-11 and 17-24 were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claims 12, 13 and 25 have been canceled. Claims 1 and 14 have been amended to include the limitations of claims 2-3 and 15-16, respectively. With respect to claims 3 and 16, Applicant disagrees with the Examiner’s assertion that Cohen discloses a planar surface that defines a channel and a pair of slits.

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### **Amendments to the Drawings**

The attached sheet of drawings includes new Figure 7. This sheet is the same as Figure 6 except for the addition of the previously intermediate-mounting surface 62 that was disclosed in paragraph 0029. No new matter has been added.

Attachments: Additional Drawing

### Annotated Additional Drawing

As shown in Figure 3 of Cohen that was attached to the Office Action, the plate **83** is fastened to the bottom of the airplane structure **49** by a plurality of screws **84**.<sup>1</sup> In rejecting claims 3 and 16, the Examiner has asserted that the space between the screws **84** is a channel.

The Examiner's assertion is incorrect. Element **83** is a flat plate<sup>2</sup>. By itself, the flat plate **83** does not define either a channel or slits as is called for in claims 3 and 16. Assuming *arguendo*, that the "channel" identified by the Examiner is indeed a true channel, it is not defined by the planar surface as called for in claims 3 and 16. It is, however, as shown by the Examiner's mark-up of Figure 3, defined by the screws **84** that extend from the flat plate **83**. Furthermore, the screws **84** cannot define a channel because the spacing between the screws **84**, assuming they extend along the length of the fuselage, eliminates the boundaries needed to define the channel. For this reason, Cohen does not disclose a channel defined by a planar surface and the rejection of claims 3 and 16 under 35 U.S.C. § 102(b) should be withdrawn, and claims 1 and 14, which include the limitations of original claims 1-3 and 14-16, respectively should be allowed to issue.

Additionally, the flat plate **83** does not define a pair of slits. Cohen discloses sleeves **80** and **81** that extend from the flat plate **83**. It is the sleeves that define the first opening or slits in which the shanks **86** of the landing gear assembly **10** are inserted, and the second opening in which the retaining pin **90** is inserted. The flat plate **83** does not define any slit in which the landing gear struts are inserted. For this reason, the rejection of claims 3 and 16 under 35 U.S.C. § 102(b) should be withdrawn and claims 1 and 14 allowed to issue.

Claims 5 and 18 have been canceled and paragraph 0032 in the specification has been amended as each landing gear strut in the pair of landing gear struts is not a mirror image of the other, but rather is identical to the other as stated in paragraph 0027 of the original specification.

The Applicant thanks the Examiner for the attention given to this case and accepts the allowance of claims 4-11 and 17-24 under the conditions indicated in the Office Action.

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<sup>1</sup> U.S. Patent No. 5,575,700, col. 2, l. 67 – col. 3, l. 1.

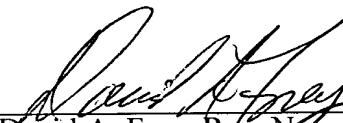
<sup>2</sup> *Id.* at col. 2, l. 67.

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Because claims 1 and 14 have been amended to include the limitations discussed above that are not disclosed in Cohen, the Applicant requests that those claims also be allowed.

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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David A. Frey, Reg. No. 43,618  
GARDNER CARTON & DOUGLAS LLP  
191 N. Wacker Drive, Suite 3700  
Chicago, Illinois 60606-1698  
(312) 569-1000 (telephone)  
(312) 569-3000 (facsimile)

Date: October 5, 2004

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CERTIFICATE OF MAILING

I hereby certify that this RESPONSE TO OFFICE ACTION OF JULY 7, 2004 (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

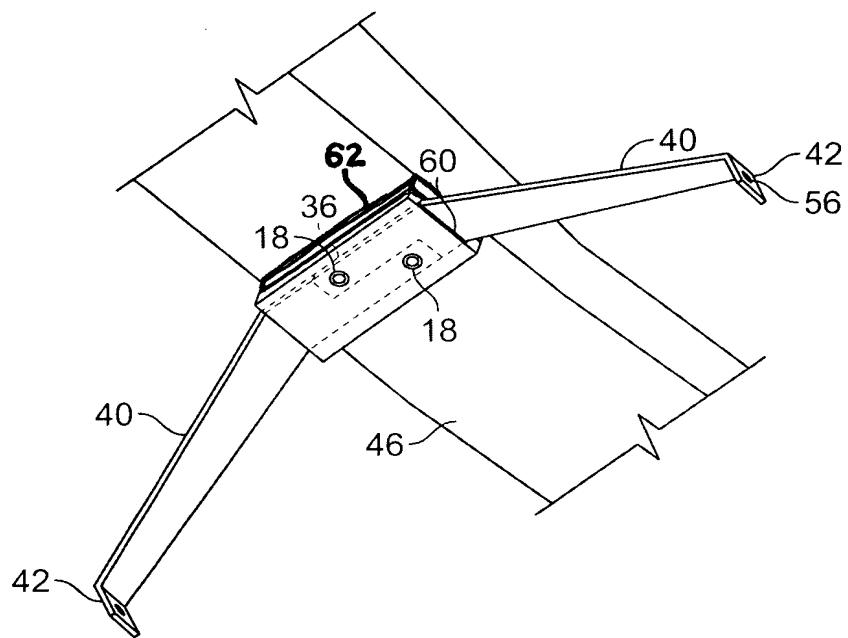
Date: October 5, 2004

J. Mikitchuk

CH02/ 22342973.1



## ANNOTATED ADDITIONAL DRAWING



**FIG. 7**